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APPLICATION NO.	FILING DATE	FIRST NAMEO INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SANTOS, PATRICK J D	

ART UNIT	PAPER NUMBER
2161	5

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,544	FISCHER ET AL.	
	Examiner	Art Unit	
	Patrick J Santos	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,515,490 issued to Buchanan et al. (hereafter Buchanan '490).

Claim 1:

Regarding Claim 1, Buchanan '490 discloses an automatic temporal formatter for synchronizing multimedia data streams such as video, audio, and text (e.g. subtitles). Specifically, Buchanan '490 discloses: a computer-based method of synchronizing a realization of a media (Buchanan '490: Abstract) stream having a first representation synchronized with said realization, and at least one second representation (Buchanan '490: col. 57, lns. 11-13), said method comprising:

- determining structure information for said first representation and said at least one second representation (Buchanan '490: col. 23, lns. 59-65; col. 57, lns. 20-30);
- determining structure association information between said first representation and said at least one second representation (Buchanan '490: col. 23, ln. 66 to col. 24, ln. 10; col. 57, lns. 31-50); and

- synchronizing said at least one second representation with said first synchronized representation and said realization using said structure association information (Buchanan '490: col. 24, lns. 11-15; col. 57, lns. 51-63; col. 58, lns. 9-23).

Claim 13:

Examiner notes that Claim 13 is the apparatus embodiment of Claim 1 and is rejected on the same basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490 in view of the publication, "Synchronization Relation Tree : A model for Temporal Synchronization in Multimedia Presentation", by Kim et al. published as Technical Report TR92-42, by the Dept. of Computer Science, Univ. of Minnesota, 1992 (hereafter Kim '92).

Claim 2:

Regarding Claim 2, Buchanan '490 discloses all the limitations of Claim 1 (supra). Buchanan '490 additionally discloses: said step of determining structure information further comprising: analyzing said structure information of said first and said at least one second

representation (Buchanan '490: col. 23, lns. 59-65; col. 57, lns. 20-30). Furthermore, Buchanan '490 discloses providing a stream of temporal data (Buchanan '490: col. 23, lns. 59-65; col. 3, lns. 40-47, note that data provided continuously over runtime reads on a stream). However, Buchanan '490 does not explicitly disclose: the stream of temporal data comprised of tree locators.

Kim '92 discloses a synchronization relation tree (Kim '92: Abstract). (Note that a data structure that contains pointers to data corresponding to the nodes rather than the data itself reads on tree locators).

It would have been obvious to a person having ordinary skill in the art to apply the synchronization relation tree of Kim '92 to the automatic temporal formatter of Buchanan '490. The motivation to combine is suggested by Kim '92 which discloses: the synchronization relation tree provides for both "temporal relationship consistency" and "dynamic schedule completion" and further is better suited for an object-oriented implementation (Kim '92: p.3, ln. 38 to p. 4, ln. 3).

Claim 3:

Regarding Claim 3, Buchanan '490 and Kim '92 in combination disclose all the limitations of Claim 2 (supra). Further note that Buchanan '490 and Kim '92 in combination disclose: aligning said determined structure information of said first representation and said at least one second representation (Buchanan '490: col. 24, lns. 11-15; col. 57, lns. 51-63; col. 58, lns. 9-23).

Claims 14-15:

Examiner notes that Claims 14-15 are the apparatus embodiment of Claims 2-3 respectively and are rejected on the same basis.

5. Claims 4-5, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490 and Kim '92 in view of the publication, "Cooperative Use of MHEG-5 and HyTime", by Rutledge et al., published by Proceedings of Hypertext and Hypermedia, 1997 (hereafter Rutledge '97).

Claim 4:

Regarding Claim 4, Buchanan '490 and Kim '92 in combination disclose all the limitations of Claim 3 (supra). Buchanan '490 and Kim '92 in combination further disclose: wherein said realization comprises at least one version of content, said method further comprising: aligning said at least one version of content with said first representation (Buchanan '490: col. 24, lns. 11-15; col. 57, lns. 51-63; col. 58, lns. 9-23). However, Buchanan '490 and Kim '92 in combination do not explicitly disclose: to produce a web of relations between said at least one version of content and said first representation.

Rutledge '97 discloses MHEG-5 and HyTime (Hypermedia/Time-based Structuring Language): producing a web of relations (Rutledge '97: Section 2, titled "Standards for Hypermedia", second paragraph).

It would have been obvious to a person having ordinary skill in the art to apply the HyTime language of Rutledge '97 to the Buchanan '490 and Kim '92 combination. The motivation to combine is suggested by Rutledge '97 which discloses: HyTime especially in

cooperation with MHEG-5 provides a particularly advantageous combination for the encoding of hypermedia (and multimedia) presentations (Rutledge '97: Abstract).

Claim 5:

Regarding Claim 5, Buchanan '490, Kim '92, and Rutledge '97 in combination disclose all the limitations of Claim 4 (supra). Further note that Buchanan '490, Kim '92, and Rutledge '97 additionally disclose: aligning said at least one version of content with said first representation produces a web of relations between a structural view of said at least one version of content and said first representation (Buchanan '490: col. 24, lns. 11-15; col. 57, lns. 51-63; col. 58, lns. 9-23; Rutledge '97: Section 2, titled "Standards for Hypermedia", second paragraph).

Claims 16-17:

Examiner notes that Claims 16-17 are the apparatus embodiment of Claims 4-5 respectively and are rejected on the same basis.

6. Claims 6 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490 and Kim '92 in view of U.S. Patent No. 5,731,847 issued to Tsukagoshi et al. (hereafter Tsukagoshi '847), in further view of U.S. Patent No. 5,794,197 issued to Alleva et al. (hereafter Alleva '197), and morever in view of the publication, "Using the Strategy Design Pattern to Compose Reliable Distributed Protocols", by Garbinato et al. published by the USENIX Conference on Object-Oriented Technologies and Systems, 1997 (hereafter Garbinato '97).

Regarding Claim 6, Buchanan '490 and Kim '92 in combination disclose all the limitations of Claim 3 (supra). Further note that Buchanan '490 and Kim '92 in combination disclose: aligning media streams (Buchanan '490: col. 24, lns. 11-15; col. 57, lns. 51-63; col. 58, lns. 9-23). However, Buchanan '490 and Kim '92 in combination do not explicitly disclose: aligning an audio stream specified by said media stream with an audio structure corresponding to said audio stream; or

Tsukagoshi '847 discloses an encoder and decoder of subtitle information. Specifically, Tsukagoshi '847 discloses: aligning an audio stream specified by said media stream (Tsukagoshi '847: col. 11, lns. 45-50). However, Tsukagoshi '847 does not explicitly disclose: aligning with an audio structure corresponding to said audio stream.

Alleva '197 discloses a specific alignment of an audio structure from an audio stream (Alleva '197: col. 13, lns. 40-46). Note that while analysis of an audio stream under Tsukagoshi '847 is optional, the combination of Alleva '197 to Tsukagoshi '847 requires the generation and subsequent alignment of an audio structure from an audio stream. However, Alleva '197 does not explicitly disclose: aligning with an audio structure corresponding to said audio stream

Garbinato '97 discloses the well-known Strategy design pattern. Specifically, Buchanan '97 discloses that objects designed to handle distinct types of data and/or interactions are to be distinct via the Strategy design pattern (Garbinato '97: p. 1, col. 2, lns. 14-27).

It would have been obvious to a person to apply the substitute the automatic temporal formatter of Buchanan '490 for the rate controller with the encoder/decoder of Tsukagoshi '847. The motivation to combine is suggested by Buchanan '490 which discloses: the automatic temporal formatter of Buchanan '490 operates during run-time (Buchanan '490: col. 3, lns. 11-

15) and further that application of the automatic temporal formatter of Buchanan '490 and Garbinato '97 provides the advantage of handling unpredictable data changes such as that of the runtime subtitle to video/audio matching of Tsukagoshi '847 (Buchanan '490: col. 3, lns. 40-47; col. 6, lns. 7-10).

It would have been further obvious to a person having ordinary skill in the art to modify the Buchanan '490 and Tsukagoshi '847 combination to Alleva '197. The motivation to combine is suggested by Alleva '197 which discloses that utilization of the invention of Alleva '197 provides a particularly advantageous means to model speech and audio, such as that of the subtitle information of Buchanan '490 and Tsukagoshi '847 (Alleva '197: col. 2, lns. 49-63).

It would have been moreover obvious to a person having ordinary skill in the art to modify the Buchanan '490, Tsukagoshi '847, and Alleva '197 combination by separating the structuring functions of the first and second operations into distinct aligner objects as per the Strategy design pattern of Garbinato '97. The motivation to accomplish said modification is suggested by Garbinato '97 which discloses that encapsulating the aligner implementations into separate objects and invoking via a Strategy design pattern provides the advantages of providing both design time and runtime composition of aligner implementations and furthermore overcomes the limitations of an inheritance based implementation (Garbinato '97: p. 3, col. 2, ln. 3 to p. 4, col. 1, ln. 24).

Claim 18:

Examiner notes that Claim 18 is the apparatus embodiment of Claim 6 and is rejected on the same basis.

7. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490 and Kim '92 in view of U.S. Patent No. 5,731,847 issued to Tsukagoshi et al. (hereafter Tsukagoshi '847), in further view of the publication, "Using the Strategy Design Pattern to Compose Reliable Distributed Protocols", by Garbinato et al. published by the USENIX Conference on Object-Oriented Technologies and Systems, 1997 (hereafter Garbinato '97).

Claim 7:

Regarding Claim 7, Buchanan '490 and Kim '92 in combination disclose all the limitations of Claim 3 (supra). Further note that Buchanan '490 and Kim '92 in combination disclose: aligning media streams (Buchanan '490: col. 24, lns. 11-15; col. 57, lns. 51-63; col. 58, lns. 9-23). However, Buchanan '490 and Kim '92 in combination do not explicitly disclose: aligning a text stream specified by said media stream with a text structure corresponding to said text stream.

Tsukagoshi '847 discloses an encoder and decoder of subtitle information. Specifically, Tsukagoshi '847 discloses: aligning a text stream specified by said media stream (Tsukagoshi '847: col. 11, lns. 28-35). However, Tsukagoshi '847 does not explicitly disclose: aligning wth a text structure corresponding to said text stream.

Garbinato '97 discloses the well-known Strategy design pattern. Specifically, Buchanan '97 discloses that objects designed to handle distinct types of data and/or interactions are to be distinct via the Strategy design pattern (Garbinato '97: p. 1, col. 2, lns. 14-27).

It would have been obvious to a person to apply the substitute the automatic temporal formatter of Buchanan '490 for the rate controller with the encoder/decoder of Tsukagoshi '847.

The motivation to combine is suggested by Buchanan '490 which discloses: the automatic temporal formatter of Buchanan '490 operates during run-time (Buchanan '490: col. 3, lns. 11-15) and further that application of the automatic temporal formatter of Buchanan '490 and Garbinato '97 provides the advantage of handling unpredictable data changes such as that of the runtime subtitle to video/audio matching of Tsukagoshi '847 (Buchanan '490: col. 3, lns. 40-47; col. 6, lns. 7-10).

It would have been further obvious to a person having ordinary skill in the art to modify the Buchanan '490 and Tsukagoshi '847 combination by separating the structuring functions of the first and second operations into distinct aligner objects as per the Strategy design pattern of Garbinato '97. The motivation to accomplish said modification is suggested by Garbinato '97 which discloses that encapsulating the aligner implementations into separate objects and invoking via a Strategy design pattern provides the advantages of providing both design time and runtime composition of aligner implementations and furthermore overcomes the limitations of an inheritance based implementation (Garbinato '97: p. 3, col. 2, ln. 3 to p. 4, col. 1, ln. 24).

Claim 19:

Examiner notes that Claim 19 is the apparatus embodiment of Claim 7 and are rejected on the same basis.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490 in view of Garbinato '97.

Claim 8:

Regarding Claim 8, Buchanan '490 discloses: a system for synchronizing a realization of a media stream (Buchanan '490: Abstract) having a first representation synchronized with said realization, and at least one second representation, (Buchanan '490: col. 57, lns. 11-13) said method comprising:

- a structurer configured to determine structure information for said first representation (Buchanan '490: col. 23, lns. 59-65; col. 57, lns. 20-30);
- a structurer configured to determine structure information for said at least one second representation (Buchanan '490: col. 23, lns. 59-65; col. 57, lns. 20-30); and
- a first aligner configured to align said structure information for said first representation and said at least one second representation (Buchanan '490: col. 23, ln. 66 to col. 24, ln. 10; col. 57, lns. 31-50).

However, Buchanan '490 does not explicitly disclose that the structurer for the first representation and the structurer for the second representation are distinct.

Garbinato '97 discloses the well-known Strategy design pattern. Specifically, Buchanan '97 discloses that objects designed to handle distinct types of data and/or interactions are to be distinct via the Strategy design pattern (Garbinato '97: p. 1, col. 2, lns. 14-27).

It would have been obvious to a person having ordinary skill in the art to modify Buchanan '490 by separating the structuring functions of the first and second operations into distinct structurer objects as per the Strategy design pattern of Garbinato '97. The motivation to accomplish said modification is suggested by Garbinato '97 which discloses that encapsulating the structurer implementations into separate objects and invoking via a Strategy design pattern provides the advantages of providing both design time and runtime composition of structurer

implementations and furthermore overcomes the limitations of an inheritance based implementation (Garbinato '97: p. 3, col. 2, ln. 3 to p. 4, col. 1, ln. 24).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490 and Garbinato '97 in view of Tsukagoshi '847.

Claim 9:

Regarding Claim 9, Buchanan '490 and Garbinato '97 in combination disclose all the limitations of Claim 8 (supra). However, Buchanan '490 and Garbinato '97 in combination do not disclose: at least one renderer configured to render said at least one second representation, after being synchronized, in a form suitable for displaying as an overlayed subtitle.

Tsukagoshi '847 discloses an encoder and decoder of subtitle information. Specifically, Tsukagoshi '847 discloses: at least one renderer configured to render said at least one second representation, after being synchronized, in a form suitable for displaying as an overlayed subtitle (Tsukagoshi '847: col. 16, lns. 1-15). Note that Tsukagoshi '847 teaches "a rate controller which controls the rate that the compressed video is transferred to the multiplexer in synchronism with the rate that the subtitles are sent to the multiplexer" (Tsukagoshi '847: col. 11, lns. 37-43).

It would have been obvious to a person to apply the substitute the automatic temporal formatter of Buchanan '490 and Garbinato '97 for the rate controller with the encoder/decoder of Tsukagoshi '847. The motivation to combine is suggested by Buchanan '490 which discloses: the automatic temporal formatter of Buchanan '490 and Garbinato '97 operates during run-time (Buchanan '490: col. 3, lns. 11-15) and further that application of the automatic temporal

formatter of Buchanan '490 and Garbinato '97 provides the advantage of handling unpredictable data changes such as that of the runtime subtitle to video/audio matching of Tsukagoshi '847 (Buchanan '490: col. 3, lns. 40-47; col. 6, lns. 7-10).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490, Garbinato '97, and Tsukagoshi '847 in view of Kim '92.

Claim 10:

Regarding Claim 10, Buchanan '490, Garbinato '97, and Tsukagoshi '847 in combination disclose all the limitations of Claim 9 (supra). Buchanan '490, Garbinato '97, and Tsukagoshi '847 further disclose that the realization specifies a media stream (Buchanan '490: col. 57, lns. 11-13). However, Buchanan '490, Garbinato '97, and Tsukagoshi '847 in combination do not explicitly disclose: system further comprising: a tree aligner configured to determine a tree structure for said media stream.

Kim '92 discloses a synchronization relation tree. Specifically, Kim '92 discloses: the system further comprising: a tree aligner configured to determine a tree structure for said media stream (Kim '92: Abstract).

It would have been obvious to a person having ordinary skill in the art to apply the synchronization relation tree of Kim '92 to the Buchanan '490, Garbinato '97, and Tsukagoshi '847 in combination. The motivation to combine is suggested by Kim '92 which discloses the synchronization relation tree provides for both "temporal relationship consistency" and "dynamic schedule completion" and further is better suited for an object-oriented implementation (Kim '92: p.3, ln. 38 to p. 4, ln. 3).

11. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan '490, Garbinato '97, Tsukagoshi '847, and Kim '92 in combination in further view of the publication, "Detection of Target Speakers in Audio Databases," by Magrin-Chagnolleau, published by ICASSP, 1999 (hereafter Magrin-Chagnolleau '99).

Claims 11-12:

Regarding Claims 11-12, Buchanan '490, Garbinato '97, Tsukagoshi '847, and Kim '92 in combination disclose all the limitations of Claim 10 (supra). However, Buchanan '490, Garbinato '97, Tsukagoshi '847, and Kim '92 in combination do not explicitly disclose:

- (Claim 11) means for detecting speech and non-speech boundaries; and
- (Claim 12) means for detecting transitions and speaker changes.

Magrin-Chagnolleau '99 disclose: means for detecting speech and non-speech boundaries and means for detecting transitions and speaker changes (Magrin-Chagnolleau '99: Abstract; Section 4 titled, "Detection Algorithm").

It would have been obvious to a person having ordinary skill in the art to apply the means of Magrin-Chagnolleau '99 to the Buchanan '490, Garbinato '97, Tsukagoshi '847, and Kim '92 combination. The motivation to accomplish said application is suggested by Magrin-Chagnolleau '99 which discloses, the advantages of automatically detecting "useful cues to segment, classify, and organize" audio data using multiple speakers (Magrin-Chagnolleau '99: Abstract, Section 1, titled, "Introduction.").

Response to Arguments

12. Applicant's arguments filed August 8, 2004 have been fully considered but they are not persuasive. Applicant's arguments are addressed as follows:

A. Applicant points out errors in Office Action:

1. 102(b) rejection referred to as a 103(a) (Amendment: p. 2, lns. 22-24).

Examiner agrees with Applicant. Rejections were under 102(b), and the Office Action has been amended accordingly.

2. Alleva '197 reference was not provided (Amendment: p. 5, lns. 1-5).

Examiner agrees with Applicant that omission of Alleva '197 was in error. Office Action has been amended to add the Alleva '197 reference and an additional PTO-892 form is included with this Response.

B. Applicant asserts that Buchanan '490 does not anticipate a realization and first and second representations (Amendment: p. 3, lns. 9-11); does not anticipate determining structure information in the first and second representations and the structure association between the first and second representations (Amendment: p. 3, lns. 16-18); and does not anticipate synchronization of the second

representations with the first representation which is in turn synchronized with the realization using structure association information (Amendment: p. 3, lns. 16-18).

Examiner points out that Buchanan '490 does not merely synchronize two representations of data, but rather the data of a first media item along with the first media item's metadata, to a second media item along with the second item's metadata. Furthermore, both media items operate within the context of the integrating media document as a whole. Therefore, the mapping of limitations to Buchanan '490 to Applicant's limitation is as follows:

Representation =	Media item itself (Buchanan '490: col. 17, lns. 40-67)
Structural Information =	Media Description Data i.e. the temporal metadata of the Media item (Buchanan '490: col. 17, lns. 40-67)
Realization =	The actual time line of the full document (Buchanan '490: col. 19, lns. 15-20).

Consider two media items. This reads on a first and a second Representation. Consider the document that contains the two items. This reads on a Realization. When a media item is added into a document using the invention of Buchanan '490, the media item is associated with structural information (Buchanan '490: col. 17, lns. 40-67). Thus both the first Representations have structural information determined. Finally, when the invention of Buchanan '490 has a user temporally align and format the media items with respect to each other, this reads on a synchronizing using structural information (Buchanan '490: col. 24, lns. 11-

15; col. 57, lns. 51-63; col. 58, lns. 9-23). By virtue of graphically synchronizing the two media items together by synchronizing their media description data, the document as a whole is in sync.

Further note that Buchanan '490 not only formats two media items at a time, but rather an arbitrary number of media items. While the Claim language of Buchanan '490 refers to a first and second media items (Buchanan '490: col. 57, lns. 11-12), the tool operates on multiple representations of data (Buchanan '490: col. 25, lns. 31-35; Fig. 6 – note item 482 which synchronizes three, rather than just two, media items). In fact, by virtue of synchronizing the Dictionary to the Battery Operation, and the Battery Animation to the Battery Operation, the Dictionary is temporally synchronized to the Battery Option as well.

C. Applicant asserts that combination of Buchanan '490 and Kim '92 is a piecemeal combination (Amendment: p. 5, lns. 5-10).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.

Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, paragraph 4 (supra) recites:

> "The motivation to combine is suggested by Kim '92 which discloses: the synchronization relation tree provides for both "temporal relationship consistency" and "dynamic schedule completion" and further is better suited for an object-oriented implementation (Kim '92: p.3, ln. 38 to p. 4, ln. 3)."

In other words, Buchanan '490 in fact anticipates all aspects of Applicant's Claims 2-3 and 14-15 except for a particular implementation that involves a tree representation. Kim '92 is merely combined to provide for a tree representation that renders the advantage of "being better suited for an object-oriented implementation" (Kim '92: p.3 ln. 38 to p. 4, ln. 3).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Santos whose telephone number is 571-272-4028. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J.D. Santos
November 12, 2004

SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2171